

OFFICIAL COPY

Fresno, California

April 3, 2001

The City Council met in joint session with the Redevelopment Agency at the hour of 8:33 a.m., and thereafter in regular session, in the Council Chambers, City Hall, on the day above written.

Present:	Tom Boyajian	Councilmember
	Brian Calhoun	Councilmember
	Brad Castillo	Councilmember
	Jerry Duncan	Councilmember
	Sal Quintero	Councilmember
	Dan Ronquillo	Acting Council President
	Henry Perea	Council President

Andy Souza, Interim City Manager
Dan Fitzpatrick, Agency Executive Director
Hilda Cantu Montoy, City Attorney
Jesse Avila, Assistant City Attorney
Rebecca Klisch, City Clerk
Yolanda Salazar, Assistant City Clerk

(8:30 A.M.) JOINT MEETING WITH THE REDEVELOPMENT AGENCY

APPROVE AGENCY MINUTES OF MARCH 27, 2001

On motion of President Perea, seconded by Councilmember Castillo, duly carried, RESOLVED, the Agency minutes of March 27, 2001, approved as submitted.

ADOPT AGENCY CONSENT CALENDAR:

(“A”) APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH BOYLE ENGINEERING CORP. FOR ENGINEERING DESIGN SERVICES FOR THE WIDENING OF S. MARKS AVENUE BETWEEN BELMONT AVENUE AND WHITESBRIDGE ROAD UNDER PHASE III OF THE ECONOMIC DEVELOPMENT ADMINISTRATION FOR THE ROEDING BUSINESS PARK; AND AUTHORIZE THE EXECUTIVE DIRECTOR/DESIGNEE TO SIGN THE AGREEMENT ON BEHALF OF THE REDEVELOPMENT AGENCY
(AGENCY ACTION)

(“C”) APPROVE PURCHASE OF THE NOBLES PROPERTY AT 1330 “A” STREET FOR A PURCHASE PRICE OF \$45,000 TO FACILITATE THE ASSEMBLY OF PROPERTY FOR THE LAVERA WILLIAMS DAY CARE CENTER PROJECT UNDER NEGOTIATION, AND AUTHORIZE THE EXECUTIVE DIRECTOR OR REDEVELOPMENT ADMINISTRATOR TO EXECUTE THE DOCUMENTS NECESSARY TO COMPLETE THE TRANSACTION

entitled **AGENCY CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Perea, Quintero, Ronquillo, Duncan
Noes	:	None
Absent	:	None

(“B”) APPROVE PURCHASE OF TWO PROPERTIES WITHIN PHASE II OF THE COMMUNITY MEDICAL CENTER EXPANSION (AGENCY ACTION)

Councilmember Calhoun recused himself from the proceedings due to a potential conflict of interest and left at 8:35 a.m.

On motion of Acting President Ronquillo, seconded by Councilmember Castillo, duly carried, RESOLVED, the purchase of two additional properties located at 255 and 256 N. Howard Street at purchase prices of \$22,500 and \$40,000 respectively hereby approved, and the Executive Director or Redevelopment Administrator authorized to execute the document(s) necessary to complete the transaction, by the following vote:

Ayes	:	Boyajian, Castillo, Perea, Quintero, Ronquillo, Duncan
Noes	:	None
Absent	:	Calhoun

Councilmember Calhoun returned to the meeting at 8:36 a.m.

(“D”) RECEIVE REPORT REGARDING A PROPOSED DOWNTOWN HOTEL COMPLEX WITHIN THE CONVENTION CENTER/EXHIBIT HALL AREA AND PROVIDE AGENCY STAFF AND CITY MANAGER WITH FURTHER DIRECTION (COUNCIL AND AGENCY ACTION)

Diane Ophelia, representing the Ophelia Family Trust, Tom DiLuglio, ALGEN legal coordinator and project administrator, Mike DeFrancesco, Registered Professional Engineer, director of technical architectural and engineering services, and Tom Werner, Vice President of Development, Wyndham International, San Francisco, CA, presented the proposal for a 4-Star 350 room hotel complex on the Ophelia property, requested Council support staff working with the group to conduct due-diligence and return with a report, spoke in support of the project and of their interest and excitement to construct a hotel and be part of downtown’s revitalization, reviewed technical aspects of the project, gave an overview of ALGEN’S other projects and what they were currently in the process of developing, advised they intended to utilize local labor as much as possible, and gave an overview of Wyndham International and their operations.

Lloyd Kennedy, Executive Director, Convention and Visitor’s Bureau, spoke in support stating additional hotel rooms in proximity to the Convention Center were badly needed for convention business.

Acting President Ronquillo spoke in support of the proposal in order for the City to compete for conventions and made a motion to approve staff’s recommendation, which was seconded and acted upon after additional discussion.

Mr. Fitzpatrick responded to questions of President Perea relative to timeline for a report back, type of documents that would be coming back to Council, and if leasing details would be worked out in that time. At the

direction of President Perea a staff report was set for April 24th at 8:30 a.m. President Perea and Councilmember Boyajian spoke in support of the proposal stating Council was committed to the concept and thanked Wyndham Hotels and DePalma Hotel Corp. for their interest in Fresno. Mr. Fitzpatrick responded to questions of Councilmember Quintero relative to prevailing wages (with an ALGEN representative stating prevailing wages would be paid), on the parking needs of the hotel, and running the hotel and stadium parking issues on a parallel course. Acting President Ronquillo suggested ALGEN consider a partnership with the unions and explained, and Chair Duncan thanked the team for their interest stating there was an exciting future for downtown.

On motion of Acting President Ronquillo, seconded by President Perea, duly carried, RESOLVED, the Agency Executive Director and City Manager directed to (1) complete due diligence analysis of the proposed project; (2) obtain and analyze the project's financial proforma and need, and, implication for scope of public financial assistance; and (3) review the proposal's consistency with the previously adopted Council/Agency guidelines (outlined in attachment "B" of the staff report), by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Perea, Quintero, Ronquillo, Duncan
Noes	:	None
Absent	:	None

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The joint bodies adjourned at 9:13 a.m. and the City Council convened in regular session at 9:14 a.m.

Reverend Msgr. John Esquivel, St. John's Catholic Church, gave the invocation, and the Pledge of Allegiance was recited.

PROCLAMATION OF "THE SAN JOAQUIN VALLEY BLACK CHAMBER OF COMMERCE DAY" - MAYOR AUTRY AND ACTING PRESIDENT RONQUILLO **(2 - 0)**

(ADD-ON) PROCLAMATION OF "NATIONAL TARTAN DAY"

PROCLAMATION OF "LIBERTY ELEMENTARY SCHOOL DAY" - COUNCILMEMBER DUNCAN

RESOLUTION OF COMMENDATION TO HORACE HAGGERTY, FAX BUS OPERATOR - COUNCILMEMBER QUINTERO

PROCLAMATION OF "PUBLIC SAFETY TELECOMMUNICATIONS WEEK"

PROCLAMATION OF "ORGAN AND TISSUE DONOR AWARENESS MONTH"

PRESENTATION BY THE HUNTINGTON BOULEVARD HOMEOWNERS ASSOCIATION TO COUNCILMEMBER QUINTERO AND HIS ASSISTANT MIKE DAGES

STUDENT RECOGNITION FOR PUBLIC SCHOOLS MONTH - PRESIDENT PEREA **(3 - 0)**

The above proclamation, resolution, presentations and recognitions were read, presented and made.

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APPROVE MINUTES:

Councilmember Calhoun requested clarification on the final motion on Page 137-148 relative to who would be providing a report back on July 31st, with Councilmember Duncan advising Superintendent Mehas was taking the lead on the issue and would be reporting back.

On motion of Councilmember Duncan, seconded by Acting President Ronquillo, duly carried, RESOLVED, the minutes of March 27, 2001, approved as submitted.

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APPROVE AGENDA:

(1B-1) * BILL - AMENDING SECTION 8-503 OF THE FRESNO MUNICIPAL CODE RELATING TO BARKING DOGS

Removed from the agenda at the direction of staff. Upon a later question of Councilmember Boyajian, City Attorney Montoy advised the matter was being removed as the Police Department advised they would be enforcing the ordinance, stated staff would provide a follow-up report on the matter, and noted the matter could rescheduled in the future if necessary.

(10:00 A.M.) HEARING ON REZONING APPLICATION NO. R-00-45 AND ENVIRONMENTAL FINDINGS, FILED BY CONSOLIDATED INDUSTRIES, INC., PROPERTY LOCATED AT THE SOUTHEAST CORNER OF E. PERRIN AND N. SOMMERVILLE DRIVE (LOCATED IN DISTRICT 6)

1. BILL - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM C-1/UGM/CZ TO C-1/UGM/CZ
2. DIRECT STAFF TO RETURN WITH INTERIM URGENCY ORDINANCE PENDING COMPLETION AND ADOPTION OF ZONING ORDINANCES REQUIRING CONDITIONAL USE PERMITS FOR THE SALE OF ALCOHOLIC BEVERAGES

Councilmember Duncan requested **Item #2** be laid over two weeks as there was no written support material in the packets and he wanted time to see what the intent was.

On motion of Councilmember Duncan, seconded by Councilmember Quintero, duly carried, RESOLVED, the above entitled 10:00 A.M. **#2 Item** relating to an interim urgency ordinance dealing with CUP's for alcohol sales laid over two weeks to April 17, 2001, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

Set for April 24th at 3:30 p.m.

(3:30 P.M.) 1. STATUS REPORT ON THE KINGS CANYON ROAD UNDERGROUND UTILITY DISTRICT - COUNCIL-MEMBER QUINTERO

2. APPROVE NEW THREE YEAR UNDERGROUND UTILITY DISTRICT PLAN

Laid over at the direction of Councilmember Quintero to April 17th at 2:50 p.m., which time was subsequently changed to 10:30 a.m.

(3:00 P.M.) CITY'S DESIGNATION OF FUEL PATH AS REQUIRED BY THE CALIFORNIA AIR RESOURCES BOARD (CARB) FLEET RULE FOR TRANSIT AGENCIES

1. RESOLUTION - DESIGNATING THE CLEAN DIESEL PATH IN COMPLIANCE WITH THE CARB TRANSIT FLEET RULE

2. RESOLUTION - DESIGNATING THE ALTERNATIVE FUEL PATH IN COMPLIANCE WITH THE CARB TRANSIT FLEET RULE (DISCUSSED AGAIN BRIEFLY LATER IN THE MEETING)

Councilmember Calhoun made a motion to lay the matter over three weeks to April 24th to allow the Mayor the opportunity to obtain additional information. City Attorney Montoy stated she had a legal concern noting the designation was required by January 31st and she would have to check into the consequences of the City still not having a designation.

President Perea stated he had a strong concern with the way the administration handled the matter at the 11th hour and with the Mayor's office not making written information available to all Councilmembers and elaborated, and stated this was a matter of principal and requested Council not validate some of staff's behavior of operating under the old administration's ways. Interim City Manager Souza stated he drastically disagreed with President Perea's comments, advised the memos referred to were and are available, and emphasized at issue was cost clarification and stated the requested delay would allow staff to obtain all pertinent information. Councilmember Castillo stated he, too, never received the memos and felt the Mayor should have come forward to President Perea way before the matter was scheduled for action to work on obtaining a price and added he, too, had a real concern with the way the information was withheld.

On motion of Councilmember Calhoun, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled **3:00 P.M.** item laid over to April 24, 2001, by the following vote:

Ayes	:	Calhoun, Duncan, Quintero, Ronquillo
Noes	:	Boyajian, Castillo, Perea
Absent	:	None

(Reconsideration of the matter discussed after the lunch recess.)

On motion of Councilmember Calhoun, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the **AGENDA** hereby approved, by the following vote:

137-153

4/3/01

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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ADOPT CONSENT CALENDAR:

(1A-1) APPROVE ACQUISITION OF APN 461-173-20 FOR PUMP STATION 32B FROM THE LOWELL J. BARNETT REVOCABLE LIVING TRUST FOR \$25,000, SUBJECT TO THE SATISFACTORY COMPLETION OF A LEVEL I SITE ASSESSMENT, PROPERTY LOCATED AT THE NORTHWEST CORNER OF E. BELMONT AND N. GARDEN AVENUES, ONE BLOCK EAST OF CHESTNUT AVENUE; AND AUTHORIZE THE PUBLIC WORKS DIRECTOR TO SIGN THE AGREEMENT FOR PURCHASE AND SALE OF REAL PROPERTY AND ESCROW INSTRUCTIONS ON BEHALF OF THE CITY

(1A-2) APPROVE THE ACQUISITION OF APN 427-310-02 AT SHAW AND FIRST STREET FROM HR, LLC, FOR \$9,800; AND AUTHORIZE THE PUBLIC WORKS DIRECTOR TO SIGN THE AGREEMENT FOR PURCHASE AND SALE OF EASEMENT ON REAL PROPERTY AND ESCROW INSTRUCTIONS ON BEHALF OF THE CITY

(1A-3) APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH BLAIR, CHURCH AND FLYNN CONSULTING ENGINEERS FOR FINAL DESIGN OF PLANS AND GENERAL CONSTRUCTION DOCUMENTS FOR THE RECONSTRUCTION AND WIDENING OF NORTH AVENUE BETWEEN SR 99 AND SR 41; AND AUTHORIZE THE PUBLIC WORKS DIRECTOR TO SIGN THE AGREEMENT ON BEHALF OF THE CITY

(1A-4) **RESOLUTION NO. 01-108** - INTENT TO VACATE THE "C-99" ALLEY BETWEEN STANISLAUS AND TUOLUMNE STREETS AND SETTING A PUBLIC HEARING FOR APRIL 24, 2001, AT 10:00 A.M.

(1A-5) **RESOLUTION NO. 01-109** - INTENT TO ANNEX FINAL MAP OF TRACT NOS. 4964 AND 4995 TO THE CITY OF FRESNO COMMUNITY FACILITIES DISTRICT NO. 2, ANNEXATION NO. 27; AUTHORIZE THE LEVY OF SPECIAL TAXES; AND SETTING A PUBLIC HEARING FOR MAY 8, 2001, AT 10:00 A.M.

(1A-6) * **RESOLUTION NO. 01-110** - 122nd AMENDMENT TO AAR 2000-183 APPROPRIATING \$25,000 OF DISTRICT 7'S GENERAL FUND INFRASTRUCTURE BUDGET FOR THE REDEVELOPMENT AGENCY PILOT WEATHERIZATION PROJECT IN DISTRICT 7 - PRESIDENT PEREA

(1A-7) AWARD A CONTRACT TO EMMET'S EXCAVATION IN THE AMOUNT OF \$129,850 FOR BASEBALL STADIUM MASS EXCAVATION

(1A-8) CONSIDER THE PROPOSED ESCALON -BLACKSTONE NO. 3B REORGANIZATION FOR APPROVAL TO FILE WITH THE LOCAL AGENCY FORMATION COMMISSION (LAFCO) THE DETACHMENT OF CERTAIN TERRITORY CONSISTING OF 0.48 ACRES FROM THE FRESNO COUNTY FIRE PROTECTION DISTRICT AND THE KINGS RIVER CONSERVATION DISTRICT AND ANNEXATION OF THE SAME TERRITORY TO THE CITY OF FRESNO (PROPERTY LOCATED IN DISTRICT 6)

a. ADOPTING THE FINDING OF STATUTORIAL EXEMPTION FOR ENVIRONMENTAL ASSESSMENT NO. EA-01-010, DETERMINING THAT THERE IS NO SUBSTANTIAL EVIDENCE THAT THE ANNEXATION MAY HAVE SIGNIFICANT ADVERSE EFFECT UPON THE ENVIRONMENT

a. * **RESOLUTION NO. 01-111** - APPLYING TO LAFCO IN THE MATTER OF THE PROPOSED ESCALON-

BLACKSTONE NO. 3B REORGANIZATION

On motion of Councilmember Duncan, seconded by Councilmember Castillo, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes : Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes : None
Absent : None

CONSENT CALENDAR - BILLS FOR INTRODUCTION:

(1B-1) a. * BILL NO. B-38 - AMENDING SUBSECTION (b) OF SECTION 9-201, AND ADDING SECTION 9-208.2 TO, THE FRESNO MUNICIPAL CODE RELATING TO ANIMALS AT LARGE

(1B-3) * BILL NO. B-39 - AMENDING SUBSECTION (d) OF SECTION 8-305 OF THE FRESNO MUNICIPAL CODE RELATING TO NOISE REGULATIONS

On motion of Councilmember Duncan, seconded by Councilmember Castillo, duly carried, RESOLVED, the above entitled Bill Nos. B-38 and B-39 introduced before the Council and laid over, by the following vote:

Ayes : Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes : None
Absent : None

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(9:55 A.M.) RESOLUTION NO. 01-112 - (“DECLARING MILK AS THE OFFICIAL BEVERAGE OF FRESNO”) AS AMENDED, TO “RECOGNIZING THE NUTRITIONAL VALUE OF MILK” - COUNCILMEMBER DUNCAN

Briefly reviewed by Councilmember Duncan who stated Council was very committed to children’s health and it was appropriate to recognize that along with dairy farmers who provided nutrition to our children and requested the City Clerk read the resolution.

******Visiting students from Lawless School were recognized and welcomed.

Hillary Watson, California Dairy Council, and dairy producers Jim Quist and Paul Roland spoke in support of the resolution and commented upon the nutritional importance of milk.

Councilmember Duncan stated nine out of ten girls and seven out of ten boys between the ages of 12 and 19 did not get enough calcium in their diet, stated this was a critical issue to our children, and made a motion to adopt the resolution, which was seconded by Acting President Ronquillo and subsequently amended.

Councilmember Castillo stated he agreed on the importance of milk, expressed concern stating the resolution was giving more publicity to the cow who accosted children at school and he felt it devalued the meaning of Council resolutions and explained, and clarified although he did support milk as being a nutritional beverage for children. he could not support the resolution.

Councilmember Calhoun he felt this was a legal issue and the designation language went too far and requested the resolution be amended to delete that language, which amendment was not accepted by Councilmember Duncan. Councilmember Calhoun cautioned Council stating this could set a precedent for other groups requesting designations for their products. Upon question of President Perea, City Attorney Montoy stated although this was a symbolic resolution and not an ordinance that would be enforced, she saw this as more of a serious policy issue adding it could open the door to other requests in the future.

Councilmember Boyajian stated he supported the dairy industry but did not know if this was a position Council should be in, stated PETA (People for the Ethnical Treatment of Animals) had a right to their opinion as guaranteed by the First Amendment and explained, advised he could support Councilmember Calhoun’s amendment, and clarified he understood the concept of the resolution and supported dairy farmers. Councilmember Calhoun requested Council refer the resolution to the City Attorney to determine whether the milk industry would allow its product to be advertised as the official beverage of Fresno and associated legal issues. Ms. Montoy advised the matter could be tabled for that determination and reiterated this was more of a policy issue rather than a legal one. A motion of Councilmember Calhoun to table the matter for a determination from the City Attorney died for lack of a second. Councilmember Duncan stressed children were being influenced by a traveling group and he was concerned with the message they were receiving, **(4 - 0)** stressed nutrition was important and he saw this as a serious matter, and urged Council to support the resolution stating a positive message had to be sent to our kids. Councilmember Boyajian reiterated First Amendment rights protected people like PETA and stressed this was not about nutrition but about countering a group who said something negative about an industry that was respected. President Perea concurred stating this matter had turned one days news into two, noted four members were supportive of amending the resolution, and upon question Councilmember Duncan stated he would accept the amendment.

On motion of Councilmember Duncan, seconded by Councilmember Ronquillo, duly carried, **RESOLVED**, the above entitled Resolution No. 01-112 hereby adopted, *as amended*, changing the title to “Recognizing the Nutritional Value of Milk”, and in Paragraph 6, deleting the underlined language as follows: **NOW, THEREFORE, BE IT RESOLVED. . .the City Council of the City of Fresno (hereby designates milk as its official beverage and) commends dairy farmers..., by the following vote:**

Ayes	:	Boyajian, Calhoun, Duncan, Quintero, Ronquillo, Perea
Noes	:	Castillo
Absent	:	None

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(10:00 A.M.) HEARING ON REZONING APPLICATION NO. R-00-45 AND ENVIRONMENTAL FINDINGS, FILED BY CONSOLIDATED INDUSTRIES, INC., PROPERTY LOCATED AT THE SOUTHEAST CORNER OF E. PERRIN AND N. SOMMERVILLE DRIVE (LOCATED IN DISTRICT 6)
1. BILL NO. B-40 - ORDINANCE NO. 01-34 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM C-1/UGM/CZ TO C-1/UGM, AS AMENDED
(2. DIRECT STAFF TO RETURN WITH INTERIM URGENCY ORDINANCE PENDING COMPLETION AND ADOPTION OF ZONING ORDINANCES REQUIRING CONDITIONAL USE PERMITS (CUP’s) FOR THE SALE OF ALCOHOLIC BEVERAGES (ACTION TAKEN EARLIER TO LAY OVER TWO WEEKS)

President Perea announced the time had arrived to consider the issue and opened the hearing.

Councilmember Duncan reviewed the issue, commended the applicant on the thorough process undertaken which he advised included meetings with area residents resulting in adjustments and improvements to the project, and made a motion to approve the rezone. Planning Manager Beach reviewed the staff report as submitted and submitted a petition in opposition.

Dirk Poeschel, 2310 Tulare Street, representing Consolidated Industries and the Tatham Family, stated extraordinary effort went into the project and explained the limited alcohol condition and improvements that were made, requested Council's support stating the requested action would allow them to go back through the planning process to attempt to obtain a CUP with all the changes, and stated they would continue to work with neighbors on the hours of operation and other appropriate conditions.

Speaking in opposition to alcohol sales and urging the condition/promise be honored were: Robert Rosati, 756 E. Serena, Woodward Park Homeowners Association; Dominic Shows, 2596 E. Solar; Vincent Bono, 2398 E. Brandon Lane; and Linda Frenden, 2828 N. Meridian.

Upon call, no one else wished to be heard and President Perea closed the hearing.

Mr. Beach and Mr. Poeschel responded to questions/comments of Councilmember Castillo relative to the number of businesses currently selling alcohol in the area and staff's recommendation, how staff determines when enough alcohol-selling establishments in an area are enough, the neighborhood notification process undertaken by the applicant and number of responses received back, Mr. Bono's statement relative to non-notification, and the Tatham family purchasing the property knowing of the alcohol condition. Councilmember Castillo stated he was not willing to support the matter at this time stating residents' concerns needed to be considered and questioned if there was any support to delay action until Item #2 came back before Council, with City Attorney Montoy clarifying and advising at issue this date was removal of a condition on a rezone and if approved, a CUP would be required. Councilmember Calhoun commented on the alcohol condition outlined in the ordinance, stressed there was an agreement and the underlying issue was trust, and stated although this was a good project he could not support it.

Lengthy discussion ensued with Mr. Poeschel, Mr. Beach, Mr. Tatham, Police Lt. Farmer and Ms. Montoy responding to questions/comments of Councilmembers Duncan, Boyajian, Ronquillo and President Perea and/or clarified issues relative to number of meetings held with area residents and purpose of those meetings, there being no dispute on the previous zoning condition and improvements being made to better balance the project, type/kind of alcohol that would be sold, school district opposition, there being a process in place to deal with any problems should the rezone and CUP be approved, why the Tatham family purchased the property knowing of the condition **(5 - 0)**, the improvements/changes mitigating the convenience store aspect, speaker comments relative to Council being manipulated by campaign contributions, the convenience store being more "high scale" than usual, if the fast food restaurants that were removed would have caused more traffic in the area, the process and right of property owners to request changes, how the homeowners associations inter-related, data on liquor selling establishments in the area, how tracts/areas were defined, how ABC determined alcohol licensing, and the CUP process being the avenue to address issues relative to proliferation of alcohol businesses.

President Perea offered an amendment to the motion to require Council final approval of the CUP, which Councilmember Duncan accepted. Brief comments and clarifications were made on the motion.

On motion of Councilmember Duncan, seconded by Councilmember Quintero, duly carried, RESOLVED, the Categorical Exemption issued for Environmental Assessment No. R-00-045 hereby accepted; and the above entitled Bill No. B-40 approving R-00-045 adopted as Ordinance No. 01-34, *as amended, requiring the Conditional Use Permit (CUP) to return to Council for final approval*, by the following vote:

Ayes : Duncan, Quintero, Ronquillo, Perea
Noes : Boyajian, Calhoun, Castillo
Absent : None

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(10:25 A.M.) DIRECT STAFF TO IDENTIFY AND DESIGNATE FACILITIES AS ENERGY SAFE ZONES TO PROVIDE RELIEF FOR SENIOR CITIZENS DURING ANTICIPATED ENERGY BLACKOUTS THROUGHOUT THE SUMMER MONTHS, AND REQUEST PG&E TO IDENTIFY SUCH LOCATIONS AS BLOCK 50 - PRESIDENT PEREA

Reviewed by President Perea who stated the City needed to prepare for the summer months and this would augment some of the efforts the Mayor was currently working on, stressed areas needed to be designated immediately, commented on current Zone 50's that could be utilized to assist seniors, and made a motion to direct staff as outlined. Interim City Manager Souza advised staff would be coming back with a total revamping of the City's Emergency Operation Plan and use it as an opportunity to continue this effort. Councilmember Castillo stated Washington D.C. knew Fresno was the only city in the state working toward alleviating energy problems and commended President Perea and Councilmember Duncan. Councilmember Duncan spoke in support stating this kind of effort would also assist seniors who will be unable to pay their increased bill.

On motion of President Perea, seconded by Councilmember Castillo, duly carried, RESOLVED, staff directed to identify and designate facilities as energy safe zones to provide relief for senior citizens during anticipated energy blackouts throughout the summer months, and request PG&E to identify such locations as Block 50, by the following vote:

Ayes : Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes : None
Absent : None

Barbara Hunt, 944 "F" Street, spoke to the issue stating all who may need relief should be considered.

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(10:30 A.M.) HEARING TO NAME THE PARK AT CLINTON AND BRAWLEY A VENUES THE "VICTORIA WEST PARK" - COUNCILMEMBER BOYAJIAN AND ACTING PRESIDENT RONQUILLO
1. RESOLUTION NO. 01-113 - NAMING THE PARK AT CLINTON AND BRAWLEY THE "VICTORIA WEST PARK"

President Perea announced the time had arrived to consider the issue, opened the hearing, and a motion and second was made to adopt the resolution. President Perea questioned who "Victoria" was and why the park was being named, with Councilmembers Boyajian and Ronquillo responding.

Councilmember Calhoun requested the matter be laid over to obtain a written report with all the pertinent information adding thought also needed to be given to the issue, and made a motion to table the matter.

Terry Cox, 2361 N. Carol, and Councilmember Boyajian reviewed the background of the issue including how the name was chosen, citizen input, and the history of the park noting it had been without a name for three years.

Upon call, no one else wished to be heard and President Perea closed the hearing.

A motion of Councilmember Calhoun, seconded by Councilmember Castillo, to table the matter for a written report failed, by the following vote:

Ayes	:	Calhoun, Castillo
Noes	:	Boyajian, Duncan, Quintero, Ronquillo, Perea
Absent	:	None

On motion of Councilmember Boyajian, seconded by Acting President Ronquillo, duly carried, RESOLVED, the park at Clinton and Brawley Avenues hereby named “Victoria West Park”, by the following vote:

Ayes	:	Boyajian, Calhoun, Duncan, Quintero, Ronquillo, Perea
Noes	:	Castillo
Absent	:	None

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(10:45 A.M.) HEARING ON PLAN AMENDMENT NO. A-01-03, REZONING APPLICATION NO. R-01-05 AND ENVIRONMENTAL FINDINGS, FILED BY KELGERBEC, LLC, PROPERTY LOCATED AT THE NORTHEAST CORNER OF N. MILLBROOK AND E. SPRUCE AVENUES (LOCATED IN DISTRICT 6)
1. CONSIDER AND ADOPT NEGATIVE DECLARATION FOR ENVIRONMENTAL ASSESSMENT NO. A-01-03, R-01-05, DATED FEBRUARY 26, 2001
2. RESOLUTION NO. 01-114 - AMENDING THE WOODWARD PARK COMMUNITY PLAN
3. BILL NO. B-41 - ORDINANCE NO. 01-35 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM R-2-A/UGM TO C-P/UGM

(6 - 0) President Perea announced the time had arrived to consider the issue and opened the hearing. A motion and second was made to approve staff’s recommendation. Planner Sanchez advised there was no opposition, and Dirk Poeschel, representing the applicant, thanked staff for their assistance.

Councilmember Boyajian briefly commented on the non-payment of impact fees as requested by Caltrans and expressed his concern.

Upon call, no one else wished to be heard and President Perea closed the hearing.

On motion of Councilmember Duncan, seconded by Acting President Ronquillo, duly carried, RESOLVED, the finding of a Negative Declaration for Environmental Assessment No. A-01-03, R-01-05, dated February 26, 2001, hereby approved; the above entitled Resolution No. 01-114 adopted; and the above entitled Bill No. B-41 rezoning the subject property adopted as Ordinance No. 01-35, by the following vote:

Ayes : Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes : None
Absent : None

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(11:00 A.M.) DESIGNATION OF REGIONAL LINEAR PARK - FANCHER CREEK PARKWAY - COUNCILMEMBER QUINTERO AND MAYOR AUTRY

1. RESOLUTION NO. 01-115 - INITIATING AN AMENDMENT TO THE OPEN SPACE, RECREATION AND CONSERVATION ELEMENT OF THE ROOSEVELT COMMUNITY PLAN TO DESIGNATE FANCHER CREEK AND ITS ENVIRONS AS A REGIONAL LINEAR PARK

2. RESOLUTION NO. 01-116 - REQUESTING THE COUNCIL OF GOVERNMENTS (COG) TO ALLOCATE FUNDS FOR THE DESIGN AND CONSTRUCTION OF FREEWAY 180 EXTENSION FROM CHESTNUT TO TEMPERANCE AVENUES

Councilmember Quintero briefly reviewed the background and made a motion to adopt the resolutions, which motion was seconded and acted upon after discussion. President Perea noted a letter received from Senator Costa was being made part of the record, and Acting President Ronquillo and Councilmember Duncan spoke in support of the issue.

Development Director Yovino and Rory Quince, Caltrans, responded to questions of Councilmember Calhoun and Acting President Ronquillo on Resolution #2 relative to why the requested adjustment was not planned as Freeway 180 built out, if the request to COG for funds was a good expenditure of City funds, why the issue was suddenly before Council and if it was critical to make a decision this date, if staff supported the resolution, and requesting and including Caltrans to contribute financially. Councilmember Calhoun offered an amendment to the motion to request COG to request Caltrans to allocate funding for the design, and requested the two resolutions be voted upon separately, which amendment and request were not accepted by the motion-maker. President Perea commended Councilmember Quintero and staff on the issue and for their efforts.

On motion of Councilmember Quintero, seconded by Acting President Ronquillo, duly carried, RESOLVED, the above entitled Resolution Nos. 01-115 and 01-116 hereby adopted, by the following vote:

Ayes : Boyajian, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes : Calhoun
Absent : None

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LUNCH RECESS - 12:51 - 2:05 P.M. Acting President Ronquillo arrived later.

(3:00 P.M.) CITY'S DESIGNATION OF FUEL PATH AS REQUIRED BY THE CALIFORNIA AIR RESOURCES BOARD (CARB) FLEET RULE FOR TRANSIT AGENCIES

1. & 2. RESOLUTIONS - DESIGNATING THE CLEAN DIESEL OR ALTERNATIVE FUEL PATH IN COMPLIANCE WITH THE CARB TRANSIT FLEET RULE (*FROM EARLIER IN THE MEETING*)

Councilmember Calhoun requested the matter be brought back for reconsideration, whereupon City Attorney Montoy advised the matter was officially taken off the agenda and it was not appropriate to bring it back due to Brown Act requirements and the fact that people may have left after learning of its removal.

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(1A-9) RESOLUTION NO. 01-117 - DESIGNATING THE PORTER TRACT HISTORIC DISTRICT TO THE LOCAL OFFICIAL REGISTER OF HISTORIC RESOURCES

Councilmember Calhoun spoke in support and complimented the homeowners and the Historic Society, made a motion to adopt the resolution, and along with Councilmember Boyajian presented questions relative to whether additional designations were forthcoming, if Van Ness Boulevard was being considered, benefit of having the designation, and if associated funding was available, with Historic Preservation Specialist Mellon responding.

On motion of Councilmember Calhoun, seconded by Councilmember Boyajian, duly carried, RESOLVED, the above entitled Resolution No. 01-117 hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Perea
Noes	:	None
Absent	:	Ronquillo

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(1B-2) * BILL NO. B-42 - AMENDING SECTIONS 9-802, 9-805, 9-807, 9-809(b), 9-810(d), 9-811 AND 9-812 OF THE FRESNO MUNICIPAL CODE RELATING TO PUBLIC NUISANCES

Councilmember Boyajian stated this was one of his bigger issues of concern and questioned if the ordinance related to vacant buildings and if there was a way to place a time limit on the number of years a building could sit vacant, with City Attorney Montoy responding. Acting President Ronquillo arrived at 2:17 p.m. Councilmember Boyajian commented on problems in dealing with the McMahan's and Mid State Bowl buildings, thanked the City Attorney and her staff for all their work and efforts, and made a motion to introduce the bill.

Councilmember Calhoun spoke in support stating this ordinance and the previous matter were moving the city in the right direction. Acting President Ronquillo expressed his concern stating he felt the City had not been doing enough and elaborated. Deputy City Attorney Slater, Ms. Montoy, and a Code Enforcement Officer responded to questions and/or comments of Councilmembers Quintero, Boyajian, Duncan and Acting President Ronquillo relative to fences, the demolition of a home in District 5 after a six year process, dealing with vacant lots, **(7 - 0)** the demolition budget, timeline from when a building is determined to be blighted to when enforcement begins, if the proposed ordinance would speed up that timeline, and ability to classify a building as dangerous and begin condemnation proceedings. President Perea thanked staff for all their hard work and efforts.

On motion of Councilmember Boyajian, seconded by Acting President Ronquillo, duly carried, RESOLVED, the above entitled Bill No. B-42 introduced before the Council and laid over, by the following vote:

Ayes : Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes : None
Absent : None

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(3A) PROPOSED APPOINTMENT OF DAVID HOUCK TO THE HUMAN RELATIONS COMMISSION - MAYOR AUTRY

On motion of Acting President Ronquillo, seconded by Councilmember Castillo, duly carried, RESOLVED, the appointment of David Houck to the Human Relations Commission introduced before the Council and laid over, by the following vote:

Ayes : Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes : None
Absent : None

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(3B) BILL NO. B-43 - ORDINANCE NO. 01-36 - INTERIM URGENCY ORDINANCE FOR INTRODUCTION AND ADOPTION PROHIBITING APPROVAL OF LAND ENTITLEMENTS FOR AUTOMOBILE DEALERSHIPS, PENDING COMPLETION AND ADOPTION OF ZONING ORDINANCES REQUIRING CONDITIONAL USE PERMITS (CUP's) FOR ALL AUTOMOBILE DEALERSHIPS (*FOR INTRODUCTION AND ADOPTION*)

A motion and second was made to adopt the ordinance. Upon question of Councilmember Duncan, Deputy City Attorney Slater and City Attorney Montoy explained the ordinance and advised applicants currently in the process could work with staff under the "hardship exception" provision. Councilmember Duncan stated he would hate to put a plug on an entire business industry when there was currently a process in place for reviews adding it sent a bad message to business, and noted he had no problem with looking into zoning ordinances but he strongly opposed an interim ordinance. Councilmembers Calhoun and Ronquillo spoke in support and commented on the issue stating this was not a permanent injunction and the City needed to hold businesses at certain aesthetic levels

On motion of Councilmember Calhoun, seconded by Acting President Ronquillo, duly carried, RESOLVED, the above entitled Bill No. B-43 introduced and adopted as Ordinance No. 01-36, by the following vote:

Ayes : Boyajian, Calhoun, Castillo, Quintero, Ronquillo, Perea
Noes : Duncan
Absent : None

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(3C) * BILL NO. B-44 - ORDINANCE NO. 01-37 - AMENDING SUBSECTION (a) OF SECTION 4-504 AND SUBSECTION (a) OF SECTION 4-505 OF THE FRESNO MUNICIPAL CODE RELATING TO LOCAL SALES AND USE TAXES

Briefly reviewed by Interim Controller Carlton who stated the amendments would make a necessary adjustment and would be beneficial to the City.

On motion of Acting President Ronquillo, seconded by Councilmember Quintero, duly carried, RESOLVED, the above entitled Bill No. B-44 introduced and adopted as Ordinance No. 01-37, by the following vote:

Ayes : Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes : None
Absent : None

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(2A) BILL NO. B-43 - CORRECTING THE ORDINANCE FOR REZONING APPLICATION NO. R-97-30 RELATING TO THE PROPOSED COMMERCIAL RECREATION PROJECT LOCATED NORTHEAST OF N. CEDAR AND E. DAKOTA AVENUES (LOCATED IN DISTRICT 4)

Reviewed by Councilmember Castillo who advised the requested zone change was for the portion of the property the owner was able to acquire, and upon question of Councilmember Boyajian stated the proposed project was well underway.

On motion of Councilmember Castillo, seconded by Acting President Ronquillo, duly carried, RESOLVED, the above entitled Bill No. B-43 introduced before the Council and laid over, by the following vote:

Ayes : Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes : None
Absent : None

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(2:15 P.M.) RECEIVE STATUS REPORT AND APPROVE REVISED FINANCING PLAN FOR THE DOWNTOWN MULTIPURPOSE STADIUM PROJECT

Acting President Ronquillo commended staff on the report, stated with the drop in interest rates an anticipated exorbitant shortfall of up to \$900,000 was now down to \$260,700 under the plan, and made a motion to approve staff's recommendation.

On motion of Acting President Ronquillo, seconded by Councilmember Duncan, duly carried, RESOLVED, the revised financing plan calling for two series of bonds to include taxable and tax-exempt bonds hereby approved, by the following vote:

Ayes : Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes : None
Absent : None

City Attorney Montoy and Interim Controller Carlton advised a number of people had worked hard on the refinancing plan, with Mr. Carlton introducing the team who was present in the audience, and along with Interim City Manager Souza responded to questions of President Perea and Councilmember Boyajian relative to the revised lower shortfall, if the shortfall was being factored into next year's budget, timeline for issuing the bonds, the shortfall continuing to decrease with successful stadium events, and the issue of tying-in or separately issuing bonds for Selland Arena improvements.

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DROP-OFF DUMP SITES FOR CITIZENS - ACTING PRESIDENT RONQUILLO

Acting President Ronquillo noted the County just implemented dump sites and questioned if the City could do the same, with Interim City Manager Souza stating staff would look into and work with Fresno County on mimicking that process.

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(2:00 P.M.) CLOSED SESSION:

(A) CONFERENCE WITH LEGAL COUNSEL - DECIDING WHETHER TO INITIATE LITIGATION - GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (c) - SIGNIFICANT EXPOSURE TO LITIGATION: - CASE NAME: CITY V. CITY OF CLOVIS, COUNTY OF FRESNO AND LAFCO

(B) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (b) - SIGNIFICANT EXPOSURE TO LITIGATION: - CASE NAME: CLAIM OF TYRONE BOHANNA

The Council met in closed session in Room 2125 at the hour of 3:02 p.m. and reconvened in regular open session at 5:29 p.m.

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(5:25 P.M.) APPEARANCE BY BARBARA HUNT TO DISCUSS AND REQUEST COUNCIL ACTION ON SOUTHWEST FRESNO AND FRUIT/CHURCH

Appearance made; no action taken.

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CLOSED SESSION ANNOUNCEMENT

City Attorney Montoy announced in the matter of Claim of Tyrone Bohanna, Item "B", Council voted to reject the \$1,000,000 claim on a vote of 6-0-1 with Acting President Ronquillo absent.

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(5:30 P.M.) HEARING TO CONSIDER A RESOLUTION INITIATING THE DRAFT 2025 FRESNO GENERAL PLAN, OFFICIAL PLANS AND CITY HOUSING ELEMENT FOR PUBLIC REVIEW AND SUBSEQUENT CONSIDERATION FOR ADOPTION BY COUNCIL IN ACCORDANCE WITH THE CITY OF FRESNO'S LOCAL PLANNING AND PROCEDURES ORDINANCE

1. RESOLUTION NO. 01-118 - INITIATING THE REVISION OF THE 1984 GENERAL PLAN AND THE ADOPTION OF A NEW GENERAL PLAN; INITIATING THE REVISION OF THE 1995 HOUSING ELEMENT, INITIATING CORRESPONDING AMENDMENTS TO THE EDISON, ROOSEVELT, CENTRAL AREA, FRESNO HIGH/ROEDING, MCLANE, BULLARD, HOOVER AND WOODWARD PARK COMMUNITY PLANS, THE FRESNO YOSEMITE AIRPORT ENVIRONS SPECIFIC PLAN, THE MASTER PARKS PLAN AND MASTER TRAILS MANUAL; AND INITIATING THE WEST AREA COMMUNITY PLAN

President Perea announced the time had arrived to consider the issue and opened the hearing, reviewed the background of the issue and stated Council, after many land use discussions over the past years, had moved towards a more balanced approach towards the entire issue of growth and explained, and stated the plan being proposed this date would rebuild the inner core to provide for a healthy community and would push development to the southeast quadrant of the city.

Mayor Autry stated he had a real sense of satisfaction on the collaborative process that worked and resulted in a general plan being presented this date that was specific enough to where Fresno needed to be, stated there was nothing radical about plan adding it made economic sense and allowed for smart orderly growth, stated lines had to be drawn on growth until inner city problems were addressed, and thanked everyone involved for their efforts and stated he looked forward to dialog with the development community.

Development Director Yovino advised the purpose of this hearing was to initiate the proposed 2025 Fresno General Plan and begin the public review process, and reviewed specifics of the plan **(8 - 0)** as contained in the staff report as submitted.

Speaking to the issue and/or making various recommendations were: Jim Lough, 2445 Capitol Street; Barbara Hunt, 944 "F" Street; Mary Savala, League of Women Voters, 942 N. Van Ness, who submitted their list of strategies, on file in the office of the City Clerk; Andrew Georgian, 9357 E. Muscat, who submitted written material on the expressway status of Jensen Avenue, on file in the office of the City Clerk; Larry Empereur, 2300 S. Clovis, Sunnyside Ranch; and Kathy Omachi, Vice President, Chinatown Revitalization, and Fresno Growth & Planning Coalition member, 1433 Kern Street.

Upon question of President Perea, Mr. Yovino stated the County and Clovis were aware of the City's hearing this date and advised a Fresno County representative was in attendance and Clovis' Planning Director wanted it understood the City of Clovis had not agreed to the boundaries.

Continued speakers were: Farid Assemi, 1396 W. Herndon; Sue Williams, 5437 E. Montecito; Mike Timkin, 2168 N. Armstrong; Joni Johnson, Fresno Neighborhood Alliance; Harold Reece, 2151 N. Ring; and Patience Milrod

Upon call, no one else wished to be heard and President Perea closed the hearing.

Acting President Ronquillo commented at length on various issues, spoke in support of the proposed linkage fees, a charter amendment to require a super-majority vote to change the general plan, and preserving farmland, presented questions relative to commercialization in the northeast area and revenue sharing **(9 - 0)**, with Mr. Yovino responding, and spoke in support of focusing on major street improvements for development and eliminating blight.

Councilmember Calhoun stated the Highway City, Herndon and Pinedale areas had serious housing problems and requested those areas be included in the housing infill and rehabilitation efforts; stated he would not support paving over prime ag land; spoke in strong opposition to the linkage fees stating they should be eliminated up front; stated the issue of whether UGM fees paid for development in the area needed to be resolved; and thanked the previous Council for deferring the general plan to this Council and commended the Mayor, Council committee and staff for all their work and efforts.

Councilmember Duncan stated he was very impressed with the plan overall; stressed people will live in the southeast and future vibrant downtown areas; stated it was important to implement the vision for downtown into the policies of the general plan; spoke in opposition to the linkage fee; commented on the UGM process and stated a better policy needed to be figured out to adequately fund infrastructure; and stated he did not think regional planning could ever happen until the incentive for competition was gone and that an alternative method of funding local government, other than sales and property taxes, was needed.

Councilmember Boyajian stated regional planning was possible and an effort had to be made in that area and in working with other local agencies; and spoke in support of the linkage fee and HOME funds to build up the inner-city and elaborated, and on the need for mass transit and beautification efforts.

Mr. Yovino responded to questions/comments of Councilmember Quintero and/or clarified issues relative to how the 2025 Plan fit in with the Landscape of Choice, there being no development in the southeast reserve area until a new community plan was in place, past efforts for improvements in the Highway City area, the plan’s policies for infill and rehabilitation, the Fancher Creek linear park plans, if recommendations by speakers would be taken into consideration, and zone change to the Copper/Maple area.

Councilmember Calhoun stated he would in the future be asking for a Blue Ribbon Committee to look at the governmental process in Fresno County and explained **(10 - 0)**, with Mr. Yovino responding and clarifying the 2025 Plan would not work unless there was regional planning and cooperation and explained. Councilmember Castillo questioned if UGM fees were directly tied to the adaptation of the plan and stated he wanted to see more greenspace included in the plan, with Mr. Yovino responding to questions..

President Perea made a motion to adopt the resolution and included the Mayor as a symbolic measure, and presented questions relative to the northeast police substation and if the Highway City/Herndon/Pinedale CDBG eligible areas could be included in the plan, concurred with Mr. Yovino’s statements relative to the state providing incentives and upon the recommendation of Acting President Ronquillo stated he would send a letter to the legislators, and concluded stating this was a great plan and the challenge would be to change the way we think and do business and provide incentives for people to move downtown.

Councilmember Duncan recommended wording changes to the linkage fee policy and read the change into the record. Mr. Yovino advised the Highway 99 and Alluvial/Willow modifications in the old plan would still be included in the process and upon question received confirmation on adding two additional modifications as requested by Councilmembers Calhoun and Quintero.

On motion of President Perea, seconded by Councilmember Quintero, duly carried, RESOLVED, the above entitled Resolution No. 01-118 initiating the Draft 2025 Fresno General Plan, including the text of the previously initiated Fresno 2000 General Plan (goals, policies, and action) as may be amended, the draft land use plan map and draft circulation plan map, hereby adopted, *as amended, to include the Maple/Copper shopping center and Highway City/ Pinedale/Herndon communities modifications*, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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ADJOURNMENT

There being no further business to bring before the Council, the hour of 7:31 p.m. having arrived and hearing no objections, President Perea declared the meeting adjourned.

APPROVED on the 17th day of April, 2001.

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Henry Perea, Council President	ATTEST: Yolanda Salazar, Assistant City Clerk